

Commonwealth Of Kentucky

Court of Appeals

NO. 2003-CA-000311-MR

DALLAS HORTON

APPELLANT

v. APPEAL FROM LYON CIRCUIT COURT
HONORABLE BILL CUNNINGHAM, JUDGE
ACTION NO. 02-CI-00173

GLENN HAEBERLIN

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: BARBER, DYCHE, AND McANULTY, JUDGES.

DYCHE, JUDGE. Dallas Horton appeals from an order of the Lyon Circuit Court dismissing his petition for declaration of rights seeking an expungement of a violation of Corrections Policies and Procedures for promoting dangerous contraband. Horton was sentenced to ninety days' disciplinary segregation, and six months' visitation restrictions. We affirm.

Horton was found guilty of the violation through, at least in part, the testimony of an informant or informants.

He maintains that the manner the informant(s) were used violates his due process rights under the Constitution of the United States. The trial court dismissed his petition, finding that the penalty to which he was subjected does not rise to the level of implicating his constitutional rights. Horton argues that the whole practice of using informants is a violation of his constitutionally protected rights, and if those informant/inmates are allowed free rein to "use, consume, buy and sell drugs," as he maintains, then the grand jury of the Lyon Circuit Court should investigate and prosecute.

Unfortunately for Horton, this is not the forum for these grievances. His penalty does not rise to the level of implicating his protected liberty interests, he received all the process he is due, and the record supports the action of the prison authorities.

The judgment of the Lyon Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

NO BRIEF FOR APPELLEE

Dallas Horton, *Pro Se*
Eddyville, Kentucky